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## 43. Tea thefts.

*Dewan's reply.*—A Tahsildar will be appointed for the Shertallai taluk with first class powers.

*Mr. H. C. Westaway* (Member, the Central Travancore and the Mundakayam Planters' Associations) said that thefts of tea from the factories were of common occurrence. In the case of rubber, there was a Regulation to prevent thefts of the stuff. He then related one instance of theft of tea and said that such thefts could be prevented if a system of license be introduced. Every merchant or trader who sold tea should be asked to take out a license before doing so. Unless some such thing were done, there would not be sufficient protection under the ordinary provisions of the criminal law, especially because tea was now coming into favor and was being largely sold in all parts of the country.

*Dewan's reply.*—Noted. The advantage in the case of rubber is that, unlike tea, it cannot be used locally.

## 44. The desirability of retaining the Pudukkada Police Out-post.

*Mr. K. Raman Tampi* (Member, Vilavancode taluk) said that the places within the jurisdiction of the Pudukkada sub-station were more populous and contained comparatively more rich people than the surrounding places. It would be evident from an examination of the register of the station that convicts and K. D's. were more abundant there. The major portion of the cases filed in the Vilavancode Magistrate's Court was from Pudukkada. Of the three sub-stations in the vicinity, *viz.*, Pudukkada, Kaliyikkavila and Arumana, Pudukkada alone was ordered to be abolished, even though the Government recognised its importance by appointing five constables for the sub-station whereas only three were allowed to each of the other two. Near Pudukkada, a class of Pariahs, notorious for their dacoity, were living, and to keep them under some check, the station was necessary. There was a Magistrate's Court at the place. That was superseded by a Police Station, and if even that was taken away from the place, there would be no public safety. He therefore requested that a station be re-established there, and if that was not possible at once, that a few village watchmen be provided for the place.

*Dewan's reply.*—The District Magistrate will be asked to report on the matter.

## (3) CIVIL JUSTICE.

## 45. Certain irregularities in the Civil Courts and suggestions for remedying them.

*Mr. Narayanar Janardanan* (Member, Nominated) said that the Travancore Civil Procedure Code required modifications in several respects and suggested that it be re-enacted on the lines of the British Indian Act V of 1908. He then referred to some of the inconveniences to the people owing to the irregularities in the Courts and submitted proposals for remedying them.

(1) In several civil suits, the first summonses were not personally served and substituted service became the usual practice. The result was that several suits were decided *ex parte*, and when execution proceedings were initiated, the cases were re-taken on the file under Section 103 of the Code. The loss and inconvenience to the plaintiff were very great. He suggested that the summonses should be sent in a closed cover

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by Anchal or through process servers and served on the defendants and their receipts obtained. That would ensure their attendance on the first day of hearing and minimise the number of *ex parte* decisions.

(2) Provision should be made for the Courts allowing increased vakils' fees for taking execution proceedings, getting decrees corrected, and for conducting cases restored to the file under Section 103 of the Civil Procedure Code. He suggested 5 per cent additional fees under the last two heads. In suits by the Jennies, 6 per cent interest alone was now being awarded. The full interest provided by Regulation V of 1071 should be allowed. Interest on costs should also be awarded.

(3) When application was made to get a decree corrected, it should be ruled that notice to the vakil of the opposite party, if any, or to such parties as had already obtained copies of the incorrect decree, should be sufficient. The publication of a notice at the court-house ought also to suffice.

(4) In view to secure the successful arrest of parties in civil cases, only one warrant should be entrusted to a process server at a time.

(5) Grave mistakes in decrees were often seen now. The presiding officers should be asked to pay more attention to the matter, and qualified men, such as graduates, should be appointed as decree-clerks.

(6) There was very great delay in execution work in the Courts. The dates of auction sales were fixed by the clerks. The presiding officers should be asked to devote one day in the week to execution work, and progress reports called for and examined by the higher Courts from time to time.

(7) In regard to jenmom lands, the tenants were now freely alienating their rights over those lands, without the knowledge of the Jenmi. They should be asked to file a copy of the document, when presenting it for registry, and such copy should be caused to be sent to the Jenmi concerned from the Registrar's office, in the same way as *sammathapathroms* were now sent to the Taluk Cutcheries.

(8) Jenmi-creditors should be exempted from producing encumbrance certificates from Sub-Registrars' offices in connection with the execution proceedings. The Government officers should be made responsible for the errors in such certificates, and not the Jennies.

(9) In spite of circular orders, the proper kind of men were not being appointed by the Courts as commissioners for the valuation of improvements. The Member suggested that improvements be caused to be valued through the agency of the Agricultural Department.

(10) In cases of applications for review of judgments, half the court fees had to be deposited with the review applications, if presented within three months, and full fees thereafter within three years. In both cases, the Courts insisted on the reason for the delay in preferring appeals being shown. The

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great dissatisfaction of the people was that, in the latter cases, even after paying the full fees, the Courts without going into the merits of the cases dismissed the reviews, and the fee paid was also not returned. The procedure required to be changed. The Member thought that the distinction made in the court fees for applications within three months might be removed, and the explanation for the delay need not also be insisted on as the full fee was being paid.

(11) The cause list in the High Court should be published a week or ten days before the date of hearing. Now, the cases for Monday were only boarded on the Saturday preceding.

*Mr. Devan Govindan* (Member, Kottarakara taluk) said that the people experienced much hardship owing to the laxity shown by the Courts in the matter of the execution of decrees. It was mainly due to the fact that the presiding officers cared more for the disposal of the suits pending than for the execution of those already disposed of. In the present days, when the people were asked to pay court fees for every small item at every stage in connection with a suit or proceeding, it was hard that they should be put to such difficulties in the final stage in regard to copies of decrees to be filed with applications for execution of decrees. He requested that small cause decrees should be completely exempted from stamp duty, and for the other decrees one half-rupee stamp be uniformly prescribed. Also, the copies of decrees accompanying the memorandum depositing money in Court or claiming payment from Court should be similarly exempted. He further prayed that the encumbrance certificates from Sub-Registrars' offices usually asked to be produced in attachment proceedings, etc., might be obtained by the Court direct, of course taking the fees therefor from the parties. He suggested that, in the annual statements received from each Court, the amount pending recovery under execution processes should be invariably asked to be shown in addition to the amount recovered.

The Dewan having asked *Mr. K. Parameswaren Pillai*, B. A. & B. L., (Member, Quilon taluk) what his experience was in the matter of execution proceedings, he said that his experience also went to show that there was much delay but that it was due more to the inefficiency of the staff. Also, in many of the cases, the delay was due to the complicity of the rival claims which often came in only at the time of execution proceedings and not in the course of the suit. Execution could however be expedited if a more responsible man was placed at the head of the decree branch in each Court. Replying to the query whether matters would improve if the number of process servers be increased, *Mr. Parameswaren Pillai* said that the existing staff of process servers should also be increased. He agreed with *Mr. Devan Govindan* in the view that the Munsiffs as a class were not now judged by the volume of execution work they did, but by the number of suits disposed of by them. In fact, the execution work was never counted in judging of their work. Better results could be secured by greater scrutiny and supervision by superior officers over that important item of the Munsiffs' work.

*Mr. Devan Govindan* next referred to the difficulty and waste of time in getting copies of records from the Courts.

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Stamp paper and fees would not be accepted until the original records of which copies were asked for were found; and those would not be found unless the petty subordinates of the branch were satisfied by the parties. If the parties did not dance attendance on them, the application stood the chance of being rejected after seven days. It should therefore be ruled that the originals should be found within seven days at the latest and the application for copies should not be rejected until after seven days from the date on which the originals were found. The Member said that the copying branch required the closest attention and stringent instructions. There were too many copyists in the Courts at present. He also said that proper men were not being appointed as commissioners, and he suggested that respectable clerks, who had some knowledge of survey, be appointed as commissioners and that they be directed to frame their reports in consultation with the respectable gentry of the locality.

*Dewan's reply.*—The representations of the Members will be communicated to the High Court.

46. The desirability of re-transferring the *pakuthies* of Veliyam and Velinallur from the jurisdiction of the Quilon to that of the Kottarakara Munsiff.

*Mr. Devan Govindan* (Member, Kottarakara taluk) said that the *pakuthies* of Veliyam and Velinallur had been within the jurisdiction of the Kottarakara Munsiff's Court, but that, in the recent re-adjustment of the territorial jurisdiction of the Courts, they were brought under the jurisdiction of the Quilon Munsiff's Court. The distances from the centres of those *pakuthies* to the Kottarakara Munsiff's Court were about 5 and 7 miles respectively, while the corresponding distances to the Quilon Munsiff's Court were 19 and 21 miles. The people of the two *pakuthies* had now to get to Kottarakara first and thence take train to Quilon. The magisterial, registration and revenue jurisdictions of the *pakuthies* were with the offices at Kottarakara. The Member therefore prayed that the civil jurisdiction of the two *pakuthies* might be re-transferred to the Kottarakara Munsiff's Court.

*Dewan's reply.*—Noted.

47. The need for re-establishing a Munsiff's Court at Shencotta.

*Mr. G. Sankaranarayana Iyer* (Member, T. I. C., Shencotta) said that the frontier taluk of Shencotta had a Munsiff's Court between 1010 and 1087 M. E. From 1010 to 1043 the Tahsildar-Magistrate was doing the duties of the Munsiff, from 1043 to 1072 there was a full-time Munsiff, and from 1072 to 1082 the old arrangement of the Tahsildar-Magistrate being also the Munsiff was revived. On the representation of the people, the arrangement was cancelled and a Magistrate-Munsiff was appointed in 1082, and it continued till 1087. The last arrangement worked very satisfactorily and was also economical to the Government. The Court was at present abolished and the people of Shencotta had to go to Kottarakara. The volume of inconvenience the altered arrangement caused to the Shencotta public would be seen on an examination of the number of suits of different kinds and execution petitions from Shencotta on the Kottarakara Munsiff's file. The people from the interior villages of the taluk had now to walk or come in carts for several miles, take train at Shencotta and go to Kottarakara. In several suits for small amounts, the inconvenience in going to the Court, coupled with the risk of losing the cases ultimately, made the people rest content in their houses. He requested that all the above facts might